

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Huebner et al.

Application No.: 10/713,621

Filed: November 13, 2003

Title: ESTROGEN RECEPTOR MODULATORS

Attorney Docket No.:  
1534.207/CHIRP018AD1C2

Examiner: D. Lambkin

Group: 1626

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on July 30, 2004 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Signed: \_\_\_\_\_

Jeanne Lupton

**TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321  
TO OBVIATE AN OBVIOUSNESS-TYPE  
DOUBLE PATENTING REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The owner, Chiron Corporation, of the entire interest in the above-identified application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and §173 of prior United States Patent Nos. 6,743,815 and 6,262,098, (hereafter "prior patents"), as presently shortened by any terminal disclaimer. The owner(s) hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and §173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that the prior patent later: expires for

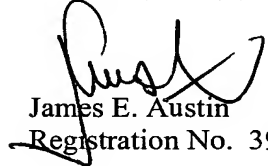
failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an agent or attorney of record.

Enclosed is our Check No. 9437 in the amount of \$110.00 to cover the disclaimer fee. If the required fees are not enclosed or additional fees are required to facilitate filing of this paper, please charge such fees or credit any overpayment to Deposit Account No. 500388 (Order No. CHIRP018AD1C2).

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP

  
James E. Austin  
Registration No. 39,489

**Correspondence Address:**

CHIRON CORPORATION

Customer Number: 27476

**27476**

PATENT TRADEMARK OFFICE

Attorney Steven W. Collier

Reg. No. 42,439

Chiron Corporation

P.O. Box 8097

Emeryville, CA 94662

Telephone: (510) 923-3774

Facsimile: (510) 655-3542